
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE; NATIONAL FOOTBALL LEAGUE
PLAYERS' CONCUSSION INJURY LITIGATION,

) No. 2:12-md-02323 – AB

)

) MDL NO. 2323

)

)

**Second Amended Master Administrative Long-
Form Complaint Against Riddell Defendants and
(if applicable)**

) **SHORT FORM COMPLAINT**

)

Sunny Jani, Adm. (Webster), et al.

) **IN RE: NATIONAL FOOTBALL**

v. National Football League [et al.],

) **LEAGUE PLAYERS' CONCUSSION**

No. 2:14-cv-02064-AB

) **INJURY LITIGATION**

)

) **JURY TRIAL DEMANDED**

)

SHORT FORM COMPLAINT AGAINST RIDDELL DEFENDANTS

1. Plaintiffs, Rachel Roth, Personal Representative of the Estate of Peter W. Perreault, and Sandra Klemond, in her own right, bring this civil action as a related action in the matter entitled IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION, MDL No. 2323.

2. Plaintiffs are filing this Short Form Complaint against Riddell Defendants as required by this Court's Case Management Order ECF No. 7709, filed May 18, 2017.

3. Plaintiffs continue to maintain claims against Riddell Defendants after a Class Action Settlement was entered into between the NFL Defendants and certain Plaintiffs.

4. Plaintiffs incorporate by reference the allegations (as designated below) of the Second Amended Master Administrative Long-Form Complaint Against Riddell Defendants, as

is fully set forth at length in this Short Form Complaint. However, Plaintiff denies that there is federal subject matter jurisdiction over this action.

5. Plaintiff, Rachel Roth, is filing this case in a representative capacity as the Personal Representative of the Estate of Peter W. Perreault, Deceased, having been duly appointed as the Personal Representative by the Probate Division of the Circuit Court for Jackson County, Florida. Plaintiff, Sandra Klemond, is filing this case in her own right as the spouse of Peter W. Perreault.

6. Plaintiff, Rachel Roth, is a resident and citizen of Florida. Plaintiff, Sandra Klemond, is a resident and citizen of Florida. Plaintiffs claim damages as set forth below.

7. Upon information and belief, Plaintiffs' decedent sustained repetitive, traumatic sub-concussive and/or concussive head impacts during NFL games and/or practices. Upon information and belief, Plaintiffs' decedent suffered from symptoms of brain injury caused by the repetitive, traumatic sub-concussive and/or concussive head impacts Plaintiffs' decedent sustained during NFL games and/or practices. Upon information and belief, Plaintiffs' decedent's symptoms arose from injuries that were latent and that developed over time.

8. The original complaint by Plaintiff in this matter was filed in the Superior Court of the State of California, County of Los Angeles on May 31, 2012. If the case is remanded, it should be remanded to the Superior Court of the State of California, County of Los Angeles.

9. Plaintiff claims damages as a result of [check all that apply]:

- ☒ Injury to Herself/Himself
- ☒ Injury to the Person Represented

- ☒ Wrongful Death
- ☒ Survivorship Action
- ☒ Economic Loss

10. Plaintiff brings this case against the following Defendants in this action

[check all that apply]:

- ☒ Riddell, Inc.
- ☒ Riddell Sports Group, Inc.
- ☒ All American Sports Corp.
- ☒ BRG Sports, Inc., f/k/a Easton-Bell Sports, Inc.
- ☒ BRG Sports, LLC f/k/a Easton Bell Sports, LLC
- ☒ EB Sports Corp.
- ☒ BRG Sports Holdings Corp., f/k/a RBG Holdings Corp.

11. Plaintiff's decedent wore one or more helmets designed and/or manufactured by the Riddell Defendants during one or more years Plaintiff's decedent played in the NFL and/or AFL.

12. Plaintiff's decedent played in ☒ the National Football League ("NFL") and/or in ☒ the American Football League ("AFL") during the following period of time 1962 – 1971 for the following teams: Pittsburgh Steelers, New York Jets, Cincinnati Bengals, Minnesota Vikings.

13. Plaintiff's decedent retired from playing professional football after the 1971 season.

CAUSES OF ACTION

14. Plaintiff herein adopts by reference the following Counts of the Second Amended Master Administrative Long-Form Complaint, along with the factual allegations incorporated by reference in those Counts [check all that apply]:

- ☒ Count I (Negligence)
- ☐ Count II (Negligent Marketing)
- ☐ Count III (Negligent Misrepresentation)
- ☐ Count IV (Fraud)
- ☒ Count V (Strict Liability/Design Defect)
- ☒ Count VI (Failure to Warn)
- ☐ Count VII (Breach of Implied Warranty)
- ☐ Count VIII (Civil Conspiracy)
- ☐ Count IX (Fraudulent Concealment)
- ☒ Count X (Wrongful Death)
- ☒ Count XI (Survival Action)
- ☒ Count XII (Loss of Consortium)
- ☒ Count XIII (Punitive Damages under All Claims)
- ☐ Count XIV (Declaratory Relief: Punitive Damages)

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

- A. An award of compensatory damages, the amount of which will be determined at trial;
- B. An award of economic damages in the form of medical expenses, out of pocket expenses, lost earnings and other economic damages in an amount to be determined at trial;
- C. For punitive and exemplary damages as applicable;
- D. For all applicable statutory damages of the state whose laws will govern this action;
- E. For loss of consortium as applicable;
- F. For declaratory relief as applicable;
- G. For an award of attorneys' fees and costs;
- H. An award of prejudgment interest and costs of suit; and
- I. An award of such other and further relief as the Court deems just and proper.

JURY TRIAL DEMAND

Pursuant to Federal Rule of Civil Procedure 38, Plaintiffs hereby demand a trial by jury on all issues so triable.

Dated: November 8, 2017

Respectfully submitted,

GOLDBERG, PERSKY & WHITE, P.C.

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